

PHILLIP A. TALBERT
United States Attorney
BRITTANY M. GUNTER
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, Ca 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL TRINIDAD YANEZ,

Defendant.

Case No: 1:23-CR-00152-NODJ-BAM

STIPULATION TO CONTINUE STATUS
CONFERENCE AND REGARDING
EXCLUDABLE TIME PERIODS UNDER SPEEDY
TRIAL ACT; ORDER

THE PARTIES HEREBY STIPULATE, through their respective attorneys of record, Assistant United States Attorney Brittany M. Gunter, counsel for the government, and Ernest Scott Kinney, counsel for Michael Trinidad Yanez (“the defendant”), that this action’s **Wednesday, February 28, 2024, status conference be continued to Wednesday, April 24, 2024, at 1:00 p.m.** The parties likewise ask the court to endorse this stipulation by way of formal order.

The parties base this stipulation on good cause. Specifically,

1. The grand jury returned an indictment regarding this matter on August 10, 2023. The government prepared and delivered an initial set of discovery to defense counsel within the time limits set forth by Eastern District of California Local Rule 440.
2. The government provided supplemental discovery to the defense on February 6, 2024. The

1 defense is and has been reviewing discovery thus far provided. If the government identifies
2 additional information that should be produced as supplemental discovery, the government
3 will promptly produce it in accord with Rule 16.

- 4 3. By the time of the continued status conference and as all discovery is timely reviewed, the
5 parties further intend to explore the extent this case can be resolved prior to trial.
- 6 4. Defense counsel needs more time to complete its review of the supplemental discovery,
7 conduct any additional investigation, and communicate with both the defendant and
8 government counsel about any potential pretrial resolution of this case.
- 9 5. The government does not object to the continuance.
- 10 6. The parties therefore stipulate that the period of time from February 28, 2024, through April
11 24, 2024, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i)
12 and (iv) because it results from a continuance granted by the Court at the parties' request on
13 the basis of the Court's finding that the ends of justice served by taking such action outweigh
14 the best interest of the public and the defendant in a speedy trial.

15 IT IS SO STIPULATED.

16
17 Dated: February 21, 2024

PHILLIP A. TALBERT
United States Attorney

18
19 By: /s/ BRITTANY M. GUNTER
BRITTANY M. GUNTER
20 Assistant United States Attorney

21
22 Dated: February 20, 2024

By: /s/ ERNEST SCOTT KINNEY
ERNEST SCOTT KINNEY
23 Counsel for Defendant
24
25
26
27
28

ORDER

IT IS ORDERED that the status hearing currently set for February 28, 2024, at 1:00 pm is continued until **April 24, 2024, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.**

IT IS FURTHER ORDERED THAT the period of time from February 28, 2024, through April 24, 2024, is excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: February 21, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE